



Arizona Peace Officer Standards and Training Board

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Minutes of Meeting April 19, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 19, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Annie Deer, Administrative Assistant
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Donna Gieber, Training Specialist
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Lynn Pirkle, Administrative Services Officer
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Marc Harris

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Prescott Valley Police Chief Bryan Jarrell to lead everyone in reciting the Pledge of Allegiance. Chairman Mascher acknowledged several sheriffs and other law enforcement personnel that were in attendance at today's meeting. He thanked them for attending the meeting.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General Marc Harris will provide legal advice to the Board on the Dustin Dionne and Tyrone Hubbell cases.

C. Executive Director's Report

Jack G. Lane, Executive Director

- The 2017/18 fiscal year recommended budget will be presented to the Board at the May meeting. Revenues continue to be below projection.
- Most Bills at the Legislature are being finalized; they are currently working on the state's budget.
- Attended the AACOP general membership meeting last week. An update was given at this meeting about the new Defensive Tactics (DT) Lesson Plan; which will be finalized in the coming weeks. Statewide training will be conducted for all the DT instructors. We now have 80 Naloxone trainers throughout the state.

D. Review, Discussion and Possible Action on Funding for Basic Training Academies

Executive Director Lane provided an overview of the grants AZ POST provides to the eight training academies. Due to the budget shortfall experienced during the last 14 months, AZ POST has initiated drastic budget measures internally. Even with these budget cuts, we are still in a structural deficit. The only option left is to make budgetary cuts to the basic training academies. AZ POST reimburses the academies \$750 per graduate. It also provides funding for operating, equipment, staffing and housing costs. All eight academies are funded differently and there is no set or consistent formula on how these costs are calculated; this needs to be corrected. Executive Director Lane is suggesting a Study Group be established comprised of representatives from the agencies hosting the academies and would be created no later than September 1, 2017. The Study Group would establish and recommend to the Board new funding guidelines for the academies that would be effective July 1, 2018.

Prescott Valley Police Chief Bryan Jarrell addressed the Board; he is the Northern Arizona Regional Training Academy (NARTA) chair. He would like to be a part of the Study Group. NARTA is second highest in academy costs out of the eight academies and it has the highest housing costs. They are looking at other options and would be interested in working with AZ POST on cost alternatives.

Chairman Mascher stated funding is a critical issue and thinks a Study Group is a great idea; there needs to be more consistency on how funding is provided to the academies.

E. Final Action Cases:

1. #14-055 – Dustin R. Dionne – Phoenix Police Department
Mr. Ahler (AAG) and Chief Rodbell recused themselves from this case.

The Board received independent legal advice from Assistant Attorney General Marc Harris.

The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board, and Mr. Eric Wilson, attorney for Dustin Dionne. During Mr. Wilson's presentation, he requested the Board consider several letters of reference that were written on Mr. Dionne's behalf after the conclusion of the administrative hearing. The Board asked Mr. Harris whether it was appropriate for them to consider those letters. Mr. Harris advised the Board that oral argument was not a time for the parties to present additional testimony or evidence. Mr. Harris explained that the Board's decision must be based on the administrative record. After considering the administrative record and the arguments made by the parties, Colonel Milstead moved to modify the ALJ's Decision by suspending Mr. Dionne's peace officer certification for six months, which was to run currently with his suspension from the Phoenix Police Department. The motion was seconded by Director Ryan. After a brief discussion with Mr. Harris regarding the ALJ's Decision, Colonel Milstead withdrew his motion and Director Ryan withdrew his second. Colonel Milstead then made a motion to accept the ALJ's Findings of Fact and Conclusions of Law as set forth in the ALJ's Decision. The motion was seconded by Director Ryan. The motion passed 4-3. Board members Sergeant Aparicio, Sheriff Dannels and Chief Hall voted against the motion.

Colonel Milstead then made a motion to suspend Mr. Dionne's peace officer certification for six months, which was to run currently with his suspension from the Phoenix Police Department. The motion was seconded by Director Ryan. The motion failed 3-4. Board members Sergeant Aparicio, Sheriff Dannels, Mr. LeFevre and Chief Hall voted against the motion.

After a brief discussion Sergeant Aparicio made a motion to revoke Mr. Dionne's peace officer certification. The motion was seconded by Sheriff Dannels. The motion passed 4-3. Director Ryan, Sergeant Andreacola and Colonel Milstead voted against the motion.

2. #17-019 – Sean A. Doherty – Avondale Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Ahler (AAG) made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Doherty's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

3. #14-108 – Tyrone M. Hubbell – Salt River Pima-Maricopa Indian Community
The Board considered comments from Assistant Attorney General Seth Hargraves. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for the voluntary relinquishment of Mr. Hubbell’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
4. #16-160 – Clifton M. Bryson – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Bryson’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
5. #15-149 – Richard J. Corso – Kearny Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Corso’s peace officer certification. The motion was seconded by Colonel Milstead. The motion passed 8-1. Board member Mr. Ahler (AAG) voted against the motion.
6. #16-185 – Eric D. Kral – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Kral’s peace officer certification for three years from November 7, 2016 to November 7, 2019; at which time his peace officer certification will lapse. The motion was seconded by Sheriff Dannels and passed unanimously.
7. #16-088 – Alan L. Mayo – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Mayo’s peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

F. New Charging Cases:

1. #17-022 – Dhanielle R. Declay – White Mountain Apache Police Department
The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Aparicio made a motion to close this case and take **No Action** against Ms. Declay’s peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
2. #17-006 – Matthew G. Murray – Tempe Police Department
The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Murray’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

3. #17-025 – Edward W. Tucker – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Tucker's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
4. #16-166 – Jacob Brinkley – Greenlee County Sheriff's Office
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Brinkley's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
5. #16-163 – Lorenzo Vela – Mesa Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Vela's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
6. #17-024 – Richard D. Braughton – Grand Canyon University Police Department
Mr. LeFevre recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Braughton's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
7. #17-016 – Steven S. Pupkoff – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Pupkoff's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
8. #17-014 – Randy W. Quinn – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Quinn's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
9. #17-001 – Jorge Aguilar – Surprise Police Department
The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Aguilar's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
10. #16-124 – Joel A. Christensen – Pima County Sheriff's Department
The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Christensen's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

11. #15-163 – Galen J. Knight – AZ Department of Transportation-ECD

The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Rodbell and passed unanimously.

12. #16-183 – Michael A. Villarreal – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Villarreal's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

G. Future Agenda Items

Executive Director Lane stated he will provide the recommended 2017/18 budget at the May meeting.

Mr. Ahler (AAG) requested Case #15-149-Richard J. Corso be reconsidered for further discussion. He did not want to reopen the case, just wanted to have a discussion regarding dishonesty and the Board's position on cases involving dishonesty. He does not believe that it always mandates revocation.

Several Board members agreed that it would be beneficial to receive renewed instruction on what actions the Board has previously taken on specific cases. This would be helpful to the new Board members.

Chairman Mascher stated he would like a future agenda item to discuss consistency on cases and staff being more specific on what prior recommendations have been.

H. Adjournment

The meeting was adjourned at 11:38 a.m.